



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

10 APR 2007

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

In re Application of CHARLIER et al	:	
U.S. Application No.: 10/550,158	:	
PCT Application No.: PCT/EP2004/003000	:	DECISION
Int. Filing Date: 22 March 2004	:	
Priority Date Claimed: 20 March 2003	:	
Attorney Docket No.: 30607/41527	:	
For: CARBON NANOSTRUCTURES...	:	

This is in response to applicant's "Renewed Petition Under 37 C.F.R. § 1.497(d)" filed 05 April 2007.

BACKGROUND

On 22 March 2004, applicant filed international application PCT/EP2004/003000, which claimed priority of an earlier Germany application filed 20 March 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 30 September 2004. The thirty-month period for paying the basic national fee in the United States expired on 20 September 2005.

On 20 September 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 08 May 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 10 October 2006, applicant filed a petition under 37 CFR 1.497(d).

On 07 February 2007, this Office mailed a decision dismissing the 10 October 2006 petition.

On 05 April 2007, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Laurent Fulcheri should be added as an inventor.

37 CFR 1.497(d) (effective 07 November 2000) states,

If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in 37 CFR 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see §3.73(b) of this chapter).

Applicant has previously satisfied items (1) and (2) above.

With regard to item (3) above, written consent of the purported assignees Timcal S.A. and Armines Assn. has been provided and proof of ownership of the assignees has been established by the copy of the assignment agreement filed with the renewed petition.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 22 March 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 10 October 2006.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459